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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,155	09/26/2003	Robert L. Safran SR.	20153-0001-1	8111

26587 7590 05/01/2006

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EXAMINER	
FRISBY, KESHA	

ART UNIT	PAPER NUMBER
3715	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,155	SAFRAN, ROBERT L.	
	Examiner	Art Unit	
	Kesha Frisby	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *9/26/2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/26/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings (Figs. 15A-20, 22A, 23 & 25A-26) are dark and hard to read. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Siefert (U.S. Patent Number 5,904,485).** Referring to claim 1, Siefert discloses storing non-numeric information in a database, wherein the non-numeric information is selected from the group consisting of words and sentences (resources within the repositories); assigning numeric coding to the non-numeric information, the numeric coding configured to permit a computer to search the database for non-numeric information (column 9 lines 20-22: Lesson 13); presenting one or more lessons to test a user's skills relative to the particular subject of grammar (Lesson 13 is given to the student and then

assessed); utilizing a guide having parameters for identifying the appropriate numeric coding for each lesson (the examiner views this limitation as the numeric codes each lesson receives, for example, the lesson numbers are given based on the order the lesson was developed), whereby as the user progresses through each lesson, the computer searches the database to select and display appropriate non-numeric information (the examiner views this limitation as the contents of Lesson 13) to the user based upon the numeric coding (Lesson 13) and the guide parameters for the respective lesson (column 9 lines 14-19: what needs to be learned, for example, analytic geometry).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert in view of Sotomayor (U.S. Patent Number 5,708,825).** Referring to claim 2, Siefert discloses the limitations recited in claim 1. *Siefert does not disclose wherein each word is assigned a numeric code based on the grammatical use of the word in a sentence.* However, Sotomayor teaches wherein each word is assigned a numeric code based on the grammatical use of the word in a sentence (column 16 lines 13-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein each word is assigned a numeric code based on the

grammatical use of the word in a sentence, as disclosed by Sotomayor, incorporated into Siefert in order to have the words with different parts of speech assigned a value accordingly.

6. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert/Sotomayor and further in view of Ma et al. (U.S. Publication Number 2002/0172926).** Referring to claim 3, Siefert/Sotomayor discloses the limitations recited in claim 2 and wherein the guide provides the computer program with the appropriate values of the appropriate numeric codes to be used for each lesson (for example, Lessons 1-13 of Siefert). *Siefert/Sotomayor does not disclose whereby the computer program will read the numeric codes of a sentence and determine, based on the guide, if each respective sentence is appropriate for use in the respective lesson.* However, Ma et al. teaches whereby the computer program will read the numeric codes of a sentence (Fig. 2: the sentence pattern section LS102) and determine, based on the guide, if each respective sentence is appropriate for use in the respective lesson (paragraph 0017: provides the corresponding test problems). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include whereby the computer program will read the numeric codes of a sentence and determine, based on the guide, if each respective sentence is appropriate for use in the respective lesson, as disclosed by Ho et al, incorporated into Siefert/Sotomayor in order to present the corresponding test problems.

7. **Claims 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert/Sotomayor/Ma et al. and further in view of Ho et al. (U.S. Patent Number**

5,967,793). Referring to claim 4, Siefert/Sotomayor/Ma et al. discloses the limitations recited in claim 3. *Siefert/Sotomayor/Ma et al. does not disclose wherein the computer program further comprises a testing section in which sentences are generated randomly within the limits established by the guide.* However, Ho et al. teaches wherein the computer program further comprises a testing section in which sentences are generated randomly within the limits established by the guide (Fig. 1: Question Generator 110). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the computer program further comprises a testing section in which sentences are generated randomly within the limits established by the guide, as disclosed by Ho et al, incorporated into Siefert/Sotomayor/Ma et al. in order to develop questions that pertain to a particular subject.

Referring to claim 5, Siefert/Sotomayor/Ma et al., as modified by Ho et al., discloses wherein in the sentences generated are within certain parameters established by the user of the program (Fig. 2: the Sentence Pattern Section LS102 of Ma et al.).

8. **Claims 6 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert/Sotomayor and further in view of Ma et al. (U.S Publication Number 2002/0172926).** Referring to claim 6, Siefert/Sotomayor discloses the limitations recited in claim 2. *Siefert/Sotomayor does not disclose wherein each word in each sentence is assigned a letter code based on the use of the word in the sentence.* However, Ma et al teaches wherein each word in each sentence is assigned a letter code based on the use of the word in the sentence (Fig. 2: the English Word Section LS00). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

include wherein each word in each sentence is assigned a letter code based on the use of the word in the sentence, as disclosed by Ma et al., incorporated into Siefert/Sotomayor in order to form a step-by-step course system.

Referring to claim 7, Siefert/Sotomayor, as modified by Ma et al., teaches wherein the letter codes available for a user to use are displayed in a selection menu, the selection menu having explanations associated with the letter codes, whereby the user can access the explanations if the user so desires (Fig. 2 of Ma et al.).

9. **Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert/Sotomayor/Ma et al. and further in view of Nutting (GB 2127201 A).**

Referring to claim 8, Siefert/Sotomayor/Ma et al. discloses the limitations recited in claim 7. *Siefert/Sotomayor/Ma et al. does not disclose wherein one sentence at a time is displayed, whereby the user must properly identify the grammatical function of the words in response to displayed questions.* However, Nutting teaches wherein one sentence at a time is displayed, whereby the user must properly identify the grammatical function of the words in response to displayed questions (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein one sentence at a time is displayed, whereby the user must properly identify the grammatical function of the words in response to displayed questions, as disclosed by Nutting, incorporated into Siefert/Sotomayor/Ma et al. so that the user will only have to concentrate on one question at a time.

Referring to claim 9, Siefert/Sotomayor/Ma et al., as modified by Nutting, teaches wherein after the user has attempted to identify all of the word functions in response to

displayed questions, the user will click a button and the computer program will determine if all of the word functions were properly identified (the examiner views this limitation as whether the answers were correct or incorrect of Nutting), whereby if all of the word functions are properly identified by the user, the computer will display the next sentence (page 1 lines 45-55 of Nutting).

Referring to claim 10, Siefert/Sotomayor/Ma et al., as modified by Nutting, teaches wherein after the user has attempted to identify all of the word functions in response to displayed questions, the user will click a button and the computer will determine if all of the word functions were properly identified, whereby if not all of the word functions are properly identified by the user, the computer color codes the answer to distinguish the right answers from the wrong answers, allowing the user and an instructor to easily recognize any problems the user may be having (Figs. 3-5 & page 3 line 55- page 4 lines 24 of Nutting).

Referring to claim 11, Siefert/Sotomayor/Ma et al., as modified by Nutting, teaches wherein a score is generated, the score comprising the number of correct user attempts as a percentage of the number of total user attempts (abstract of Nutting).

Referring to claim 12, Siefert/Sotomayor/Ma et al., as modified by Nutting, discloses wherein the program further comprises a pre-course assessment test to be completed by a user to determine the user's aptitude and knowledge of grammar (entire document: assessment of Siefert).

10. **Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert/Sotomayor/Ma et al./Nutting and further in view of Truluck et al. (U.S.**

Patent Number 6,353,447). Referring to claim 13, Siefert/Sotomayor/Ma et al./Nutting discloses the limitation recited in claim 12. *Siefert/Sotomayor/Ma et al./Nutting does not disclose wherein the program further enables an instructor to input data and retrieve data to perform an administrative task, the task selected from the group consisting of creating a syllabus, monitoring user progress, interacting with users, generating reports, and combinations thereof.* However, Truluck et al. teaches wherein the program further enables an instructor to input data and retrieve data to perform an administrative task, the task selected from the group consisting of creating a syllabus, monitoring user progress, interacting with users, generating reports, and combinations thereof (abstract: further monitors the user's progress). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the ability to monitor user's progress, as disclosed by Truluck et al., incorporated into Siefert/Sotomayor/Ma et al./Nutting in order to see if the user has successfully complete the activities.

Referring to claim 14, Siefert/Sotomayor/Ma et al./Nutting, as modified by Truluck et al., teaches wherein the input data are selected from the group consisting of the length of a designated academic term, number of classes, dates of all scheduled class periods, school closing dates, days of week on which classes meet, total minutes in a class period, number of student users, user name, user class year, and combinations thereof (Fig. 3: Which day(s) of the week would you like to study? of Truluck et al.).

Referring to claim 15, Siefert/Sotomayor/Ma et al./Nutting, as modified by Truluck et al., teaches wherein the syllabus is comprised of data selected from the group consisting of the amount of time allocated to complete each lesson, date when each lesson is to be

completed, description of the daily lecture and tutorial activities that the instructor plans to provide, and combinations thereof (Fig. 3: What date would you like to complete this product? of Truluck et al.).

Referring to claim 16, Siefert/Sotomayor/Ma et al./Nutting, as modified by Truluck et al., discloses wherein the retrieved data is selected from the group consisting of the time it takes user to complete each lesson, user progress versus the syllabus, total user time for all lessons completed, average user time per lesson completed, scores, grades, lessons completed, and combinations thereof (abstract: scoring of Nutting).

Referring to claim 17, Siefert/Sotomayor/Ma et al./Nutting, as modified by Truluck et al., teaches wherein the program utilizes retrieved data to generate reports (column 6 lines 23-27: the examiner views this limitation as inputting information in order to have a plan developed of Truluck et al.).

11. **Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert in view of Nutting and Truluck et al..** Referring to claim 18, Siefert discloses providing g a computer program product embodied on a computer readable medium

and executable by a computer, the computer program product comprising computer instructions and a database comprising words and sentences (resources within the repositories); providing a computer for reading and operating the computer program product, the computer comprising a microprocessor, input means and display means Fig.1: the student PC's: it is inherent that all PC's have these elements). *Siefert does not disclose inputting data into the computer to generate at least an academic term*

calendar and syllabus; generating and displaying on the display means a sentence and asking a user to provide answers by identifying the word function of respective words provided in the sentence; comparing the answers given by the user to the correct answers in the computer database to yield results; displaying the results and indicating correct answers in a first manner and incorrect answers in a second manner; whereby the user will review the results and modify the incorrect answers, the modified answers will be compared to the correct answers and the correct modified answers will be indicated in a third manner; and generating and storing user data for retrieval and review. Nutting teaches generating and displaying on the display means a sentence and asking a user to provide answers by identifying the word function of respective words provided in the sentence (Figs. 3-5); comparing the answers given by the user to the correct answers in the computer database to yield results (page 2 lines 117-120) and displaying the results and indicating correct answers in a first manner (page 3 lines 69-72) and incorrect answers in a second manner (page 3 lines 72 & 73); whereby the user will review the results and modify the incorrect answers, the modified answers will be compared to the correct answers and the correct modified answers will be indicated in a third manner (page 3 lines 73-80). It would have obvious to one of ordinary skill in the art at the time the invention was made to include generating and displaying on the display means, comparing the answers given by the user and displaying the results, as disclosed by Nutting, incorporated into Siefert so that the user can concentrate on one question at a time, find out whether the user has inputted a correct/incorrect answer and be able to distinguish between the correct/incorrect answers. *Nutting does not teach*

inputting data into the computer to generate at least an academic term calendar and syllabus and generating and storing user data for retrieval and review. However, Truluck et al. teaches inputting data into the computer to generate at least an academic term calendar (calendar 72) and syllabus (Figs. 3-5: Study Plan) and generating (the examiner views this limitation as the development of the study plan) and storing user data for retrieval and review (the examiner views this limitation as being able to retrieve an existing study plan) (column 6 lines 23-27). It would have obvious to one of ordinary skill in the art at the time the invention was made to include inputting data, generating and storing, as disclosed by Truluck et al., incorporated into Siefert/Nutting in order to develop study plan and be able to access and existing study plan for user.

Referring to claim 19, Siefert/Nutting, as modified by Truluck et al., teaches wherein the input data are selected from the group consisting of the length of a designated academic term, number of classes, dates of all scheduled class periods, school closing dates, days of week on which classes meet, total minutes in a class period, number of student users, user name, user class year, and combinations thereof (Fig. 3: Which day(s) of the week would you like to study? of Truluck et al.).

Referring to claim 20, Siefert/Nutting, as modified by Truluck et al., discloses wherein the user data for retrieval and reviews is selected from the group consisting of the time it takes user to complete each lesson, user progress versus the syllabus, total user time for all lessons completed, average user time per lesson completed, scores, grades, lessons completed, and combinations thereof (abstract: scoring of Nutting).

Referring to claim 21, Siefert/Nutting, as modified by Truluck et al., further comprising the step of generating reports based on the user data (column 6 lines 23-27: the examiner views this limitation as inputting information in order to have a plan developed of Truluck et al.).

Referring to claim 22, Siefert/Nutting, as modified by Truluck et al., discloses providing a computerized pre-course assessment test to be completed by a user to determine the user's aptitude and knowledge of grammar (entire document: assessment of Siefert).

Citation of Pertinent Prior Art

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Safran, Sr. (U.S. Patent Number 6,685,476) teaches a computer-based educational learning for grammar.

Ho et al. (U.S. Patent Number 5,836,771) teaches a learning method and system based on questioning.

Sachs (U.S. Patent Number 3,981,087) teaches where a computer displays whether a student selected answer is correct or incorrect and tallies the total number of items done and the number of items done correctly.

Bender (U.S. Patent Number 3,690,878) teaches a device with a sheet that advances to the next frame when a correct answer is chosen.

Ziv-el (U.S. Patent Number 6,302,698) teaches a method and apparatus for on-line teaching and learning while using color-coded methods.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm, Thu. 6:30-4pm & Fri. 7-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewki can be reached on 571-272-6678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyf
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4/26/06

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